

RESOLUTION

CASE NO. HW-18-0002. OAKLAND POINTE

WHEREAS, the Board of Supervisors of James City County, Virginia (the "Board"), has adopted by Ordinance, specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Timothy Trant of Kaufman & Canoles, P.C., has applied for a Height Limitation Waiver to allow for the construction of five buildings (the "Buildings"), up to a maximum height of 40 feet above finished grade. The Buildings will be constructed on property zoned R-5, Multifamily Residential, located at 7581 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 2310100002; and

WHEREAS, the Buildings are depicted on the plan prepared by AES Consulting Engineers, dated October 25, 2017 and revised on February 21, 2019, and entitled "Master Plan for Oakland Pointe;" and

WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case No. HW-18-0002; and

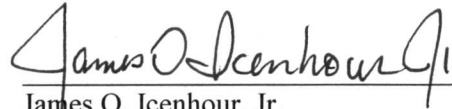
WHEREAS, the Board finds that the requirements of Section 24-310(g) of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow for the erection of structures up to 40 feet in height above finished grade.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby make the following findings:

1. The Buildings will not obstruct light from adjacent property; and
2. The Buildings will not impair the enjoyment of historic attractions, areas of significant historic interest or surrounding developments; and
3. The Buildings will not impair property values in the area; and
4. The Buildings are adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment to be installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
5. The Buildings will not be contrary to the public health, safety and general welfare.


BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-18-0002 to grant a five-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of structures up to 40 feet in height above finished grade as described herein, pursuant to the following conditions:

1. Height Limitations: This Height Limitation Waiver (the "Waiver") shall be valid for a five-foot waiver to the height limitation requirements set forth in the James City County Zoning Ordinance to allow for the erection of buildings up to 40 feet in height above finished grade (the "Buildings") on property zoned R-5, Multifamily Residential, located at 7581 Richmond Road and further identified as James City County Real Estate Tax Map Parcel No. 2310100002 (the "Property"). The height of the Buildings shall be calculated in accordance with the Zoning Ordinance definition for "Building, height of" in effect as of the adoption date of the Waiver.
2. Master Plan: The Buildings shall be located on the Property as generally shown on the plan prepared by AES Consulting Engineers, dated October 25, 2017 and revised on February 21, 2019 and entitled "Master Plan for Oakland Pointe."
3. As-Built Survey: An as-built survey shall be submitted to and approved by the Director of Planning for any building exceeding the permitted building height in the zoning district prior to final Certificate of Occupancy. The intent of this condition is to ensure compliance with the Waiver.
4. Severability: The Waiver is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.



James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of February, 2019.

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